

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re OPTIONABLE SECURITIES  
LITIGATION

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: 07 Civ. 3753 (LAK)  
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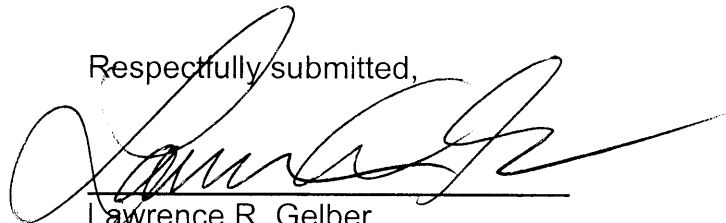
**NOTICE OF MOTION  
of  
DEFENDANT KEVIN CASSIDY  
to  
DISMISS THE CONSOLIDATED AMENDED CLASS ACTION COMPLAINT**

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law In Support Of Kevin Cassidy's Motion to Dismiss the Consolidated Amended Class Action Complaint (Complaint), and upon the accompanying Affirmation of Lawrence R. Gelber, Attorney at Law, with exhibits annexed, sworn to on Friday, February 15, 2008, and upon the relevant submissions of the co-defendants in this matter, Defendant Kevin Cassidy will move this Court before the Honorable Lewis A. Kaplan at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an Order granting Kevin Cassidy's Motion to Dismiss the Complaint for (i) failure to state a claim upon which relief can be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, (ii) for failure to plead with the particularity required by Rule 9(b) of the Federal Rules of Civil Procedure (iii) for failure to satisfy the pleading requirements of Section 21D(b) of the Securities Exchange Act of 1934 and (iv) for failure to meet the pleading standards established in this Circuit, together with such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the rules of this Court, opposing papers, if any, must be delivered to the undersigned pursuant to the schedule previously established by this Court.

Dated: Brooklyn, New York  
February 15, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lawrence R. Gelber', written over a horizontal line.

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*Attorney for Defendant Kevin Cassidy*